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The Honorable Kent A. Jordan
United States District Court
844 N. King Street
Wilmington, DE 19899

RE: McCants v. Wawa
C.A. No.: 04-257 (KAJ)

Dear Judge Jordan:

I write to report to the Court that the above-captioned matter has been settled between the parties. Accordingly, no answering brief will be filed by the plaintiff, in response to defendant's motion for summary judgment.

It is our hope and expectation that the appropriate papers can be filed in the next couple of weeks, to finalize this settlement by way of stipulation of dismissal. If you have any questions, please feel free to contact me.

Respectfully,



Gary W. Aber

GWA/mac